

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 09 October 2019

(Author: David Grant - Planning Officer)

Purpose: To consider Planning Application H17-0797-19

Application Number: H17-0797-19

Date Received: 14 August 2019

Application Type: FULL

Description: Change of use of private swimming pool to swimming pool for private hire, exclusive for family groups of up to 6, babies, rehabilitation and certain disabilities

Location: Park House Park Lane Surfleet

Applicant: Mr & Mrs West

Agent: Mr & Mrs West

Ward: Pinchbeck and Surfleet

Ward Councillors: Cllr S A Slade
Cllr J Avery
Cllr E J Sneath

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H17-0797-19>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 The applicant is related to a member of staff.

2.0 PROPOSAL

2.1 This is a retrospective Full planning application for a change of use of a private swimming pool to swimming pool for private hire, exclusive for family groups of up to 6, babies, rehabilitation and certain disabilities at Park House, Park Lane, Surfleet.

3.0 SITE DESCRIPTION

3.1 The proposal property and garden are within the defined settlements of Surfleet with the swimming pool building sited to the south-east corner of the curtilage. The swimming pool and building do not form part of the application, having been granted permission in 1999.

3.2 The application form states that use of the swimming pool as a business commenced on 2 July 2019. The applicant proposes opening hours of Monday to Friday 09:00 to 21:00 and 09:00 to 18:00 on Sundays. The pool would not be used for business use on Saturdays. There is parking for two vehicles on a gravelled access to the rear of the building, with additional parking on garden land immediately to the east of the existing access. The land to the east of the access is not within the ownership of the applicant and no evidence of a formal agreement for use of the land has been provided.

4.0 RELEVANT PLANNING POLICIES

4.1 **The Development Plan**

4.2 **South East Lincolnshire Local Plan, March 2019**

4.3 Policy 1 - Spatial Strategy;
Policy 2 - Development Management;
Policy 3 - Design of New Development;

4.4 If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

4.5 **National Guidance**

4.6 **National Planning Policy Framework (NPPF), 2019**

4.7 Paragraph 11 - The presumption in favour of sustainable development
Paragraphs 16 and 17 - Plan Making
Section 12 - Achieving well-designed places.

4.8 **Planning Practice Guidance (PPG)**

5.0 RELEVANT PLANNING HISTORY

5.1 **H17-1023-99**

Full - Single-storey building to cover swimming pool - Approved - 8 December 1999.

6.0 REPRESENTATIONS

6.1 **Surfleet Parish Council**

6.2 Support but limit opening hours to close at 19:00 on weekdays.

6.3 **County Highways and SUDS Officer**

6.4 No objections

6.5 **Environmental Health Technician**

6.6 No objections

6.7 **Members of the Public - 1**

Concerns regarding:
- Noise
- Traffic
- Parking.

7.0 CONSIDERATIONS

7.1 The key issues for consideration in this application are:

7.2 - Policy and Principle of Development;

- Parking provision
- Noise.

7.3 Policy and Principle of Development

- 7.4 There is not considered to be a material impact on the character of the surrounding area. When assessed against Policy 3 of the SELLP concerning 'Design of New Development', the proposal is considered to accord with criteria 2, 8 and 11 which relate to:
- 2 - Distinguishing between private and public space;
 - 3 - The landscape character of the location;
 - 8 - Crime prevention and community safety;
 - 11 - Residential Amenity.

7.5 Traffic / Parking

- 7.6 There is not considered to be a material impact on traffic or parking as a result of the proposed change of use. County Highways have raised no objection. Where members of the public choose to park their cars in a semi-rural location is beyond the remit of planning. However, there is adequate parking on the gravel drive and adjacent field if the limit of 6 pool users at any time is strictly adhered to.

7.7 Noise

- 7.8 There have been no noise complaints raised with the Environmental Health Officer. However, it is considered sensible that the suggested opening hours are reduced slightly to have a closing time of 20:00 on weekdays. This should still allow 9 to 5 workers to use the facilities without late evening disturbance to nearby properties.

7.9 Conclusion

- 7.10 It is considered that this application provides the Local Planning Authority with the opportunity to regularise the usage of this site. If the number of a maximum of 6 site users at any one time is adhered to then there should not be material planning concerns with regard to parking provision or traffic. The Local Planning Authority has sought to reduce the requested hours of 09:00 to 21:00 Monday to Friday to 09:00 to 20:00 Monday to Friday via a planning condition. This is to reduce any potential noise / traffic concerns late into a weekday evening.

7.11 Additional Considerations

- 7.12 In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
 - B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
 - C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

- 7.13 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 7.14 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

7.15 It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

7.16 Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

7.17 It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

8.0 RECOMMENDATIONS

8.1 Grant permission subject to the conditions set out in Section 9.0 of this report.

9.0 CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
Application Form
Site Location Plan (1:1250)
Block Plan (1:500)

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The swimming pool building shall not been in public use outside the hours of 09:00 to 20:00 Monday to Friday, 09:00 to 18:00 on Sunday, and at no time on Saturday or Bank Holidays.

Reason: In the interests of the amenity of local residents.
This Condition is imposed in accordance with Policies 2, 3 and 30 of the South East Lincolnshire Local Plan, 2019.

3. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

Background papers:- Planning Application Working File

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Appendices attached to this report: Appendix A - Plan A



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